INCIDENT SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
SH 2114941

OFFICER INVOLVED SHOOTING EVALUATION

UNIT: Transit Services Bureau

DATE: April 9, 2004

TIME: 1530 Hours

LOCATION: [redacted] S. New Hampshire Ave., Los Angeles

URN # 404-02459-6870-055

IAB # SH 2114941

NATURE OF INCIDENT: Deputies Dail and Locklin saw Suspect Rodriguez run a red light then enter the 105 Freeway. They followed the suspect and saw him violate several Vehicle Code sections. The suspect exited the freeway at Vermont Ave., ran a red light, almost struck a bus, then proceeded southbound on Vermont Ave. They attempted to effect a traffic stop at 119th St.; however, the suspect made a right turn onto 119th St. at which time both deputies saw that the suspect had an assault rifle. The suspect turned northbound on New Hampshire Ave., stopped mid-block, exited his vehicle and immediately began shooting at the deputies. The deputies stopped their radio car, exited and returned fire. The suspect then ran westbound thru residences and out of view. The suspect remains outstanding.

COMPLETED BY: Sergeant Richard Smith
DATE: May 28, 2004

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY
USE OF FORCE
TYPE: DEPUTY INVOLVED SHOOTING-NON HIT
I.A.B. FILE NUMBER: SH 2114941
URN: 404-02459-6870-055

On Friday, April 9, 2004, Sergeants Richard Smith and John Harris, along with Lieutenant Stacy Lee of the Internal Affairs Bureau, responded to [redacted] S. New Hampshire Ave., Los Angeles, regarding a Deputy Involved Shooting involving Transit Services Bureau personnel.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose statements are contained in the Transit Services Bureau case package as well as physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel **(refer Exhibit A)**.

INVOLVED PERSONNEL:

Deputy Daniel Dail, #[redacted]	MW/31	6'03"/265lbs
Deputy Victor Locklin, #[redacted]	MB/39	6'00"/230lbs

EMPLOYEE WORK HISTORY

<u>**DAIL**</u>, Daniel, #[redacted]

Date of Employment	09-17-00
Date Assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Founded Force Incidents	[redacted]



<u>**LOCKLIN**</u>, Victor,#[redacted]

Date of Employment	09-17-00
Date Assigned to Patrol	[redacted]
Completed Patrol Training	[redacted]
Prior Founded Force Incidents	[redacted]



SUSPECT

Rodriguez, Ricardo, (NIC)	MH/25	5'08"/160lbs

[redacted].

WITNESSES



[redacted], MH/42 [redacted]
[redacted], MH/10

[redacted], MB/40 [redacted]
[redacted], MB/44
[redacted], MB/50

INJURIES

NONE

PHYSICAL EVIDENCE

Suspect's weapon, Norinco MAK-90 Sporter rifle recovered at the scene.

Two expended 7.62x39mm caliber cartridge casings recovered from the sidewalk area in front of [redacted] and [redacted] New Hampshire Ave.

Seven expended 9mm Luger caliber cartridge casings collected from the street to the right side of the radio car.

Eight expended 9mm Luger caliber cartridge casings collected from the windshield wiper area of the radio car.

INVESTIGATOR OBSERVATIONS:

New Hampshire Ave. runs north and south and dead ends at 119th St. On the south side of 119th St. is an elementary school which had numerous children playing at the time of the shooting, directly in line with the suspect's line of fire.

WEAPONS USED BY EMPLOYEES:

Deputy Dail, Daniel, #[redacted]

Department issued Beretta, Model 92F, 9MM, Ser#BER110469, fired seven rounds of Department issued 9MM ammunition.

Deputy Locklin, Victor, #[redacted]

Department issued Beretta, Model 92F, 9MM, Ser#BER118819, fired nine rounds of Department issued 9MM ammunition.

WEAPON USED BY SUSPECT:

Suspect Rodriguez, Ricardo

Norinco MAK-90 Sporter, 7.62x9mm caliber rifle, Ser#[redacted]

PROPERTY DAMAGE:

Bullet hole to left front headlight of a 1970 Chevelle, Lic#[redacted].
Two bullet holes to side of Ford van lic# [redacted].
One bullet strike to a spoke of a wrought iron fence in the front yard at [redacted].
Window 12"x24" broken on converted garage
Broken hasp on shed type structure at [redacted].
Two door frames split above dead bolt locks on a shed at [redacted].
Door to converted garage had six door panels dented as if rammed.

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Detective Duncan, John C. #[redacted], Transit Services Bureau, Detective Bureau.

Detective Duncan filed 664/187 P.C.-Attempt Murder (Two counts), 245(D)(3) P.C.-Assault with a Deadly Weapon on a Peace Officer (eight counts), 12280 (B) P.C. Possession of an Assault Weapon, 2800.2(A) C.V.C.- Evading a Peace Officer with Willful Disregard for Public Safety, and 12022.53(B) P.C.-Personally used a Firearm, Rifle, Within the Meaning of Penal Code Section 12022.53.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during daylight hours in clear weather.

INVOLVED EMPLOYEE STATEMENTS

Deputy Daniel Dail

Deputy Dail said that they were traveling westbound on Imperial Hwy. They saw the suspect vehicle run the red light at Croesus Ave. and Imperial Hwy. The suspect then made a u-turn to westbound Imperial Hwy. and entered the 105 Fwy westbound on the Wilmington Ave. on-ramp. They followed the suspect onto the freeway and ran the license plate as they passed Central Ave. The plate returned to the wrong vehicle; however, it was determined that the wrong license plate had been run, and at the junction of the 105 Fwy and the 110 Fwy, the correct license plate was checked. The return on the correct license plate returned as the suspect exited the freeway at Vermont Ave. At this point Deputy Locklin activated the overhead lights and sounded their siren two times in order to conduct a traffic stop of the suspect for the red light violation.

The suspect adjusted his rear view mirror and looked directly at the radio car in that mirror. The suspect then attempted to drive through the red light at Vermont Ave. and the 105 Fwy off-ramp. As the suspect tried to run the red light a bus pulled away from the curb on the west side of Vermont Ave. into the intersection preventing the suspect from proceeding for the moment. After the bus cleared the suspect's path, he proceeded to make a left turn, through the red light, to southbound Vermont Ave. They followed the suspect with their overhead lights activated in order to stop the suspect. As the suspect approached 119th St. another bus pulled away from the curb, again almost colliding with the suspect vehicle as the suspect "fumbled" with something on the front seat.

The suspect raised an object from the front seat as he made a right turn onto westbound 119th St., which he recognized as the stock of an AK-47 assault rifle. Deputy Locklin said "He's got an AK" He's got an AK." As Deputy Locklin turned onto 119th St., following the suspect, Deputy Dail broadcast a pursuit of a man with a gun. The suspect turned right onto northbound New Hampshire Ave. and proceeded approximately fifteen houses. He saw the suspect abruptly stop in the middle of the street and exit his vehicle. Immediately upon exiting his vehicle the suspect began shooting the rifle at the radio car.

Deputy Dail said that as the radio car was stopping, he opened his door and took a defensive position between the door and the body of the radio car. He saw the muzzle flash from the suspect's rifle, heard rounds passing by him, and fearing for his life, returned fire. As he returned fire, he saw the suspect run west and he lost sight of the suspect when the suspect reached the front of a white van which was stopped on the driveway apron of a residence opposite where the suspect had stopped his vehicle. After regaining his "composure," he broadcast the deputy involved shooting and due to a better familiarity with the area, requested Lennox Station units to set up a containment of the area as he and Deputy Locklin maintained their position on New Hampshire Ave.

Deputy Dail said that the suspect fired three to five rounds at him and he fired six rounds at the suspect before he lost sight of the suspect.

Deputy Victor Locklin

Deputy Locklin said that they were stopped at a red light westbound Imperial Hwy at Croesus Ave. He saw the suspect vehicle stopped approximately two cars in front of him, proceed through a red light then make a u-turn back to the Wilmington Ave. on-ramp. The suspect vehicle ran a red light at that intersection and entered the 105 Fwy. Westbound. He proceeded through the intersection and entered the 105 Fwy. following the suspect vehicle. Deputy Dail checked the suspect vehicle license plate which returned to a Toyota, which was not the suspect vehicle. Deputy Dail reran the license plate at which time it returned to a Honda, which was the suspect vehicle. As the vehicle drove westbound on the 105 Fwy. the suspect swerved in and out of traffic violating several traffic laws.

The suspect vehicle exited the 105 Fwy. at Vermont Ave. and stopped at the red light. They decided to stop the suspect vehicle and activated their overhead lights to affect a traffic stop. The suspect looked in his rear view mirror, then proceeded to run the red light, almost striking a bus, turning southbound on Vermont Ave. They followed the suspect and as the suspect approached 119th St.,

he saw the suspect raise a rifle up from the front seat. He told Deputy Dail to broadcast that they were following a man with a gun as the suspect turned westbound on 119th St. The suspect turned northbound on New Hampshire Ave. and Deputy Locklin gave the suspect space due to the presence of the rifle which he had recognized as an assault rifle.

The suspect stopped mid block on New Hampshire Ave. and exited his vehicle. He stopped the radio car and exited, taking cover between the driver's door and the body of the radio car. After the suspect exited his vehicle, he (Locklin) saw the suspect raise the rifle to his shoulder and begin firing at him and Deputy Dail. Being in fear for his life and that of Deputy Dail, he returned fire, firing approximately three rounds. The suspect ran westbound in front of a white van which was parked on the driveway apron of a residence and he ran around the radio car to the east taking cover behind a vehicle which was parked against the east curb of New Hampshire.

WITNESSES STATEMENTS

[redacted]

Witness [redacted] said that he had stopped his vehicle on the driveway apron of his residence at [redacted] New Hampshire Ave. He walked to the driveway gate that crosses his driveway at the sidewalk and was unlocking the gate when he heard a police siren. At the same time the suspect vehicle stopped, in the street, adjacent to his vehicle.

He looked toward the suspect vehicle and saw the suspect, his [redacted], exit the vehicle with a rifle and take a crouched position facing toward a radio car that was stopped in the street, south of his location. The suspect brought the rifle to his shoulder and began firing in the direction of a deputy who had exited the radio car on the drivers side and taken a position between the door and the body of the radio car. The suspect fired five to eight shots at the deputy who returned fire. The suspect then ran toward the driveway gate which was now unlocked. The suspect dropped the rifle and ran west up the driveway and out of view.

[redacted]

Witness [redacted] said that he was in front of his residence playing baseball. His ball rolled out into the street and, when he chased it into the street, he saw a man (Suspect Rodriguez) exit his car and begin shooting at the deputies, who were stopped up the street. The man ran toward the house on the opposite side of the street (West) and he ran inside his residence.

[redacted]

Witness [redacted] said that he was standing in front of his driveway when he heard approximately twelve gun shots. He saw two deputies taking cover behind their radio car just south of his residence.

[redacted]

Witness [redacted] said that he was standing in front of [redacted]., when he saw a blue Honda turn right from 119th St. at a high rate of speed. The Honda proceeded northbound on New Hampshire Ave. Seconds later a radio car turned northbound onto New Hampshire Ave. with its lights and siren activated. As he continued watching the incident he heard gunshots and immediately took cover.

[redacted]

Witness [redacted] said that he washing his car in front of his residence when he saw a blue car northbound on New Hampshire Ave. at a high rate of speed with a radio car, lights and siren activated, following. The radio car stopped and the deputies exited the radio car. At this time he heard gunshots and immediately took cover behind his car.

SUSPECT STATEMENT

Suspect not in custody at the time of this review.